

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

PTAH BEY-YISRAEL,

Plaintiff,

vs.

No. 2:15-cv-2225-JDT-cgc

GLENN WRIGHT, et al,

Defendants.

REPORT AND RECOMMENDATION

On April 3, 2015, Plaintiff Ptah Bey-Yisrael, a resident of Memphis, Tennessee, filed a *pro se* complaint. (D.E.# 1.) However, Plaintiff neglected to pay the \$400.00 civil filing fee or submit a properly completed application to proceed *in forma pauperis*. On April 15, 2015, the undersigned ordered Plaintiff to submit a properly completed application to proceed *in forma pauperis*. (D.E. # 4). On April 27, 2015, Plaintiff submitted a motion for leave to proceed *in forma pauperis* on the prescribed form. (D.E. # 5)

Federal law provides that the “clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$400”. 28 U.S.C. §1914(a). To ensure access to the courts, however, 28 U.S.C. §1915(a) permits an indigent plaintiff to avoid payment of filing fees by filing an *in forma pauperis* affidavit. Under that section, the Court must conduct a satisfactory inquiry into the plaintiff’s ability to pay the filing fee and prosecute the lawsuit. A plaintiff seeking *in forma pauperis* standing must respond fully to the questions on the Court’s *in forma pauperis* form and execute the affidavit in compliance with the certification

requirements contained in 28 U.S.C. § 1746. *See, e.g., Reynolds v. Federal Bur. of Prisons*, 30 F. App'x 574 (6th Cir. 2002); *Broque v. Fort Knox Fed. Credit Union*, No. 86-1896, 1997 WL 242043 (6th Cir. May 8, 1997).

Because Plaintiff's affidavit does not provide sufficient financial information and therefore, does not satisfy his burden of demonstrating that he is unable to pay the civil filing fee, it is RECOMMENDED that the motion to proceed *in forma pauperis* be DENIED. *See, Williams v. Mekiel-Yehuddah:Yisrael*, 2:11-cv-02106-SHM-tmp.

Signed this 28th day of April, 2015.

s/ Charmiane G. Claxton
CHARMIANE G. CLAXTON
UNITED STATES MAGISTRATE JUDGE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN FOURTEEN (14) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE SAID OBJECTIONS OR EXCEPTIONS WITHIN FOURTEEN (14) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.